

think he realized that he might not have time to discuss it with the sensor when everyone started running. I bet there are similar situations on the ground where hearing the spoken communication would cause misunderstanding. Second, this in no way meant the pilot was relinquishing mission-commander responsibility or weapons release authority. He was not telling the sensor to pick a target and attack it; he was just saying to keep the sensor on the most relevant target.

There are a number of other instances where I think our perceptions are quite a ways off, and I am available any time you need to elaborate with you and the rest of the board. Once again, sorry about bothering you further, but I truly believe that I can further add to your understanding of the situation...the ultimate goal being to prevent this from happening again.

Thanks for your time.

VR,

Lt Col (b)(6), (b)(3)

Commander, 15RS

DSN (b)(2) /Comm (b)(2)

VOSIP (b)(2)

BB (b)(2)

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Classification: ~~SECRET~~

Caveats: No Caveat

STATEMENT OF (b)(1)1.4(a)

(b)(1)1.4(a)

(b)(3), (b)(6) What do you go by?

(b)(3), (b)(6), (b)(3), (b)(6).

Ok (b)(3), (b)(6) are doing well thanks for calling and connecting into us.

(b)(3), (b)(6) Yes sir. I just want to give you a quick brief on before I first got here, and a quick brief on how we do OPS, and the individual roles in the mission.

(b)(3), (b)(6) So in here will me is the lead investigator MG McHale, who was appointed by Gen McChrystal, and a bunch of colonels, and lieutenant colonels assisting in this investigation. I just wanted you to know that this is just not me with your people on the phone yes sir.

(b)(3), (b)(6) Just want you to know that I have you on speaker phone as well with all my folks in my office. And I also want to say, everybody with at least secret here. I also have a CPT (b)(3), (b)(6) who is the Creech AFB JAG; she is representing the Air Force interests as far as the legal side of the house is concerned.

(b)(3), (b)(6) And by.

(b)(3), (b)(6) This is LTC (b)(3), (b)(6) the legal advisor for the investigation. We will potentially ask to speak to each individual personally without any Air Force attorney in the room, unless the witness wants an attorney present, but we don't see a need to have a government attorney to be present.

(b)(3), (b)(6) Yes sir, I understand that. CPT (b)(3), (b)(6) the Vice Wing commander wanted to make sure she was hand to advise them, just before they talked to anybody and to be here for the initial part of it.

(b)(3), (b)(6) Okay when we talk to them we will want to have them by their selves unless they have their own personal attorney.

(b)(3), (b)(6) Okay that's not a problem. They have all been advised already.

(b)(3), (b)(6) Okay we don't suspect them of any offense; we don't plan to read anyone their rights. If they want an attorney present that is their prerogative.

(b)(3), (b)(6) Okay go ahead.

(b)(3), (b)(6) Okay first of all to give you a quick brief on how we conduct OPS these are the folks involved in the (b)(1)1.4(a) mission. On a typical mission we will fly with 3 crew positions. First is the pilot, they are the mission commander and is responsible assistive conduct of the mission from start to finish. We got central operators here who are various career fields from the Air Force but they are trained in the manipulation and operation of the sensor ball on the one. The central operator also helps the pilot, as

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far as altitude de-confliction, ROEs, SPINS, if there is going to be kinetic action, the last position is the Intel coordinator these are all source analysts Intel folks that act as a conduit between the pilot and sensor operating the aircraft and the supported unit down range. They are ready to SPIN ROEs, they also help the crew in case of emergencies.

(b)(3), (b)(6) the MIC (b)(1)1.4(a)

(b)(3), (b)(1)1.4(a) is the call sign of the aircraft. On (b)(1)1.4(a) you have the pilot, who usually does not have any other delineation. (b)(1)1.4(a) just claimed on the MIRC chat that is, usually it will be (b)(1)1.4(a) SO for the sensor operator and (b)(1)1.4(a) MC for the mission Intel coordinator. Sir if you are reading the MIRC chats and you see (b)(1)1.4(a) that is normally the pilot typing into the MIRC at that point.

MG: If it is MC who is it, (b)(1)1.4(a) MC?

(b)(3), (b)(6) that is the mission Intel coordinator. On a movable mission are important crew members are in a mission room have access abilities to communicating in that room. The person who is normally coordinating and communicating with the supported unit are on minute by minute bases. All three crew members are up on the intercom speaking at each other, reviewing the chats and data at the same time, real time. They are acting as a crew.

MG: (b)(1)1.4(a) So would be what?

(b)(3), (b)(6) the sensor operator he has access as well. The pilot sensor and the ground control station sit next to each other. The mission Intel coordinator is sitting in the squatter operations center that is just a physical limitation we have in the trailers. All three of them are on the headset looking at the same information. The ops supervisor is here; he is one of my more experienced officers who is responsible for all the mission being flown by the squadron at any given time. Myself and or my director of operations is not physically located here and they are making decisions on the conduct of all our missions at any time, real-time execution. Sir I have six people here, a mix of all those positions. One of my ops supervisors were actually in the ground control station provided oversight for when the target was in action, just in case the supporting unit was going to ask us to employ a hell fire missile.

(b)(3), (b)(6) how many (b)(1)1.4(a) MCs are there right now?

(b)(3), (b)(6) there is only one (b)(1)1.4(a) MC, falls under the pilot.

(b)(3), (b)(6) when I see the entry of (b)(1)1.4(a) MC, (b)(1)1.4(a) SO, who is MC in the entries who is the primary MC in the MIRC?

(b)(3), (b)(6) that is my mission Intel coordinator falls under my pilot, who is the mission commander all flying the aircraft real-time. The MC is speaking in the MIRC on behalf of the pilot in command.

(b)(3), (b)(6) the guys that are the MC and the pilot that represent the (b)(1)1.4(a) MC entry, how many of those guys are in the room?

STATEMENT OF (b)(1), 1.4(a)

(b)(3), (b)(6) I have one of each that were flying in the mission.

(b)(3), (b)(6) This question is for them, who is the pilot?

(b)(3), (b)(6) T (b)(3), (b)(6) .

(b)(3), (b)(6) Who is the MC?

(b)(3), (b)(6) C (b)(3), (b)(6) .

(b)(3), (b)(6) Our sensor operator, how many are present?

(b)(3), (b)(6) I have two. TSgt (b)(3), (b)(6) and TSgt (b)(3), (b)(6)

(b)(3), (b)(6) that is four who are the other two folks in the room?

(b)(3), (b)(6) My ops supervisors who were responsible for all of my missions occurring at that time. They were the squadron supervision at the time.

(b)(3), (b)(6) Who are they?

(b)(3), (b)(6) T (b)(3), (b)(6) and CPT I (b)(3), (b)(6)

(b)(3), (b)(6) The pilot and MC are the guys doing most of the entries into the MIRC and passing information back and forth?

(b)(3), (b)(6) Me.

(b)(3), (b)(6) And the sensor operator does what?

(b)(3), (b)(6) He actually manipulates a sensor ball on the aircraft. He focuses the camera, in and out. He is the one manipulating the video image.

MG: Who's the one that talks voice to the JTAC?

(b)(3), (b)(6) The pilot.

MG: All the time?

(b)(3), (b)(6) Yes sir.

MG: Who's the pilot?

(b)(3), (b)(6) (b)(3), (b)(6)

(b)(3), (b)(6) ahead with the class buddy.

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(b)(3), (b)(6) at's if unless you have questions for us. All three crew members working together. The pilot is the mission commander. So as far as making decisions for the conduct of the mission, he is responsible. The pilot sensors are enlisted folks who support the crew, and make inputs for the crew.

(b)(3), (b)(6) let me ask you this because of time, if we were to prioritize who we spoke to, would we be correct in the following way:

Capt (b)(3), (b)(6) A1 (b)(3), (b)(6) Capt (b)(3), (b)(6) ap (b)(3), (b)(6) TSgt (b)(3), (b)(6) and TSgt (b)(3), (b)(6) would that be the correct approach to get the most amount of information based on the upon available time if we ran out?

(b)(3), (b)(6) for the first two absolutely. The other four to be honest with you the sensor operator were there as well. I would probably prioritize them first. CPT (b)(3), (b)(6) was sitting in the ground control station when the kinetic event actually happened in preparation of them asking us to go kinetic. He was sitting physically behind the pilot to provide oversight if necessary.

(b)(3), (b)(6) one last thing (b)(3), (b)(6) and (b)(3), (b)(6) did they switch off back and forth?

(b)(3), (b)(6) (b)(3), (b)(6) was in for the majority of the time for about 2 ½ hours. TSgt (b)(3), (b)(6) was the end game.

(b)(3), (b)(6) was TSgt (b)(3), (b)(6) there for the kinetic strike?

(b)(3), (b)(6) es sir.

(b)(3), (b)(6) who was on the sensor?

(b)(3), (b)(6) (b)(3), (b)(6) TSgt (b)(3), (b)(6) began. TSgt (b)(3), (b)(6) witnessed the strike.

(b)(3), (b)(6) here's the order we'd like to go after. Talk with CPT (b)(3), (b)(6) first, then A1 (b)(3), (b)(6) then TSgt (b)(3), (b)(6) TSgt (b)(3), (b)(6) then possibly Capt (b)(3), (b)(6) if necessary. I don't see a need to interview Capt (b)(3), (b)(6)

(b)(3), (b)(6) concur sir with that assessment; we just wanted to make sure everyone was here available in case you needed to talk to them. Will you need to talk to me again after this?

(b)(3), (b)(6) you don't have any information than no, unless you think you have something to offer.

(b)(3), (b)(6) sir we have audio among the crew, and the conversations between the pilot and JTAC as well.

(b)(3), (b)(6) we need that we do not have that.

(b)(3), (b)(6) because all crew members are up on intercom, the ground control station captures that audio throughout the entire mission. In addition it captures radio that is going through the aircraft to folks on the ground. We have those captured as well.

(b)(3), (b)(6) we need to get that from you, after we finish this thing, please figure out how we can package this up and get our hands on it.

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(b)(3), (b)(6) we will get that to you. [LTC (b)(3), (b)(6) email information is provided and confirmed]

(b)(3), (b)(6) Sir this is CPT (b)(3), (b)(6) Instructor Pilot, day of event was a pilot on (b)(1)1.4(a) crew.

Introduction provided by MG McHale.
Privacy Act Notification/Recording Notification provided by LTC (b)(3), (b)(6)

MG: What is your pilot job, and what aircraft?

(b)(3), (b)(6) Currently the M21 Predator sir. I came from C130s prior to this assignment. Currently I am an instructor on M21 and was previously (b)(1)1.4(a).

MG: How long have you been in your position now?

(b)(3), (b)(6) I have been here coming up on three years now sir.

MG: How many types of missions like this have you flown roughly?

(b)(3), (b)(6) Probably six hundred to one thousand sirs. I have about 1500 hours of M21 Predator time.

MG: In general could you tell us what your role was during this mission on the 21 February, where we had civilian casualties?

(b)(3), (b)(6) Mainly as the pilot, I keep it in good position so my sensor can run the cameras following anything that we are watching. On that day we were watching 3 vehicles traveling in a convoy. Mainly I am also there to act as the communications conduit between my sensors, what my MC is coordinating through MIRC chat with the supported unit. We are sharing over the radio as we talk with the JTAC.

MG: Was your Predator armed, it was sir.

(b)(3), (b)(6) That day we had one hellfire which was not used.

(b)(3), (b)(6), (b)(3), (b)(6) Who talks voice to the JTAC?

(b)(3), (b)(6) Sir, in the GCS we physically have the ability for the pilot and the sensor to talk on the radios to the JTAC. For the three and half hours we were following the vehicles I did 99% of the communication with the JTAC. I think my sensor made one call for me as I was on the phone with our ops center.

(b)(3), (b)(6) Do you make the PID determination or can you make the PID determination, this is just a general question to give us context?

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(b)(3), (b)(6) the pilot, from our end of the situation, we could make the PID determination if we know and understand fully what we are seeing on our radio. For the most part we do not. 99% of the time we actually coordinate that with our screeners. That coordination is normally done via [cutoff]

(b)(3), (b)(6) is possible for a crew member to make the determination, however that is rare. On the day in question, we are talking in MIRC chat with the screeners the DGS people actually watching our feed.

(b)(3), (b)(6) definitely calls that happen they will pass through MIRC chat to my MC. We will talk about that as a crew and I will relay that information through the radio to JTAC. That's more likely to happen, and that is what happened on the day in question. If we saw a weapon that call wouldn't come from DGS to the crew and I would relay that the JTAC via radio.

(b)(3), (b)(6) it relates to hostile intent, can you make that determination?

(b)(3), (b)(6) my knowledge I have never known for someone from our end to make the hostile intent aside from if you see someone with a weapon shooting at blue forces. Then hostile intent is assumed at that point. When we collecting intelligence and trying to piece together a puzzle of what we are watching the hostile intent comes from our supported unit. On that day our JTAC did a great job of talking me through what we were coordinating with the ground commander and what he was assessing what was going on.

(b)(3), (b)(6) did you ever speak to the ground commanders?

(b)(3), (b)(6) negative sir, not directly.

(b)(3), (b)(6) outside of the MIRC communication and the line of sight radio back up to you, what are the forms of communication that you can hear what's going on, on the ground?

(b)(3), (b)(6) that is mainly just my radio. (b)(1)1.4(a). We have the ability to get on the phone while we are flying.

(b)(3), (b)(6) did you have air handler affixed to your Predator, and if so did that provide you information?

(b)(3), (b)(6) we did sir, I believe they collected a bit of Intel from it. But real-time while I was flying most of the (b)(1)1.4(a) as the JTAC, came from the support unit on the ground through the JTAC to me via radio.

(b)(3), (b)(6) are you authorized to initiate a kill?

(b)(3), (b)(6) there are a lot of links, in that chain of events sir. There are alternate means that we can employ weapons.

(b)(3), (b)(6) do you assess things like tactical maneuvers as part of your duties?

(b)(3), (b)(6) we can pass basically what we see through our cameras to anybody especially if we deem it is something they need to know about. We did talk about tactical maneuvers extensively with JTAC.

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Nothing as far as hostile intent or weapons PID in that instance. But we did pass some information about if people are moving tactically as appose to moving in a random manner that you would expect normal civilians to move or drive, sometimes we can pass important information.

(b)(3), (b)(6) What is your role as it relates to the GFC and the screener who is on the other end doing the intelligent assessments?

(b)(3), (b)(6) a pilot you have to be a good conduit to communications because everyone stays up and have good situational awareness real-time. Make sure that the JTAC what the crew and DGS is seeing from our end to pass to the GFC accurately and back to us, so we are working towards the same end goal. As far as communication that day was pretty effective. The JTAC did a good at keeping us updated as we did to him as well.

(b)(3), (b)(6) switching gears, what do you do if you don't agree with the GFC's assessment of the situation?

(b)(3), (b)(6) basically sir and this is also on that day. We didn't over rushed to make any calls and decisions until we all knew what we are seeing and everyone agreed.

(b)(3), (b)(6) when you get an assessment from the screener that comes up to you to get passed and you don't concur, how do you work that?

(b)(3), (b)(6) basically we talk about it.

(b)(3), (b)(6) before you answer, on the ground from the ground commander and the assessment guy at the other end of this thing, and you as the focal who's passing this back.

(b)(3), (b)(6) basically sir that's the main point. It falls upon the crews sometimes because of the way we communicate with everyone. To make sure no one hears the wrong thing and has an accurate picture. If we see something in question and two people are disagreeing with what they see, then it is primarily my job to clarify that with everyone. The day in question we talked quite a bit about what we were seeing on the screen. And whether or not the screener saw the same thing as the crew. We tried to make sure that matched with what the JTAC saw and he Intel.

(b)(3), (b)(6) in simple language, yes or no if possible, are you doing the analysis between the two?

(b)(3), (b)(6) sir.

(b)(3), (b)(6) could you explain briefly, what you just said in simpler terms?

(b)(3), (b)(6). If the screener calls something and we are not sure we would tell the JTAC we have a possible weapon rather than PID. The word possible would be the key that nothing is definite at this point. If our screener makes a definite call they would say something like weapon on screen or something like that. We would then pass we have a weapon on screen to the JTAC.

(b)(3), (b)(6) you have the MIRC chat available with you right now?

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(b)(5), (b)(6) sir, but I am pretty much on the same page; I can pretty much recall everything.

(b)(5), (b)(6) why these vehicles, what caused you get on these vehicles at the beginning?

(b)(5), (b)(6) fortunately sir, the actual flight time that I was there took about 3 ½ hours. A lot of that started before that time. We actually got talked onto these vehicles by an (b)(1)1.4c. They had seen something in these vehicles and had talked to the same JTAC as I. I think that is where the talk of tactical maneuvering started with the (b)(1)1.4c. Before they departed they were actually looking to engage those targets before running out of fluid. They had been on station for approximately four hours prior. In short, we were talked onto those vehicles and confirmed those vehicles.

(b)(5), (b)(6) when you guys got the handoff describe the general movement of the vehicles, up and through the second stop if you can.

(b)(5), (b)(6) okay sir when we got talked onto the vehicles, they were still in the vicinity of a small town or dispersed compounds. They looked like they were gathering people and there was a lot of movement with that. We then followed the vehicles north, across the river. At one point they stopped, got out the cars and prayed, got back into the cars. We followed as the cars traversed from the middle of the night into the morning hours, traveling north and kind arch through the valleys to the west and eventually to the south and east. We just followed throughout, kept our eyes on, to ensure we stayed on the same vehicles the entire time. But mainly we watched them drive the entire time.

(b)(5), (b)(6) during this movement, did you guys determine or assess weapons with any of the people?

(b)(5), (b)(6) there was a lot of talk of weapons sir. Initially with the (b)(1)1.4(a) the (b)(1)1.4(a) was talking about weapons and were trying to assess what they were seeing. When I first got talked onto the cars I was not able to verify weapons and neither were my screener. We did not see the same thing that the (b)(1)1.4(a) saw. Throughout the night, the travel, anytime they stopped and we were able to observe we were working closely with the JTAC and the screener too trying to verify weapons. That is where some of the weapons calls came from. There was a lot of talk about weapons here and there. Through the night there were approximately three actual calls of weapons. A call from our DGS called with weapons on screen, so that would be a PID of a weapon.

(b)(5), (b)(6) your assessment or the assessment that you got, how many weapons do you think were identified?

(b)(5), (b)(6) from my recollection sir, I believe there were two definite calls of weapons, and I am not looking at the MIRC chat, as best as I can relate to you there was a definite call from my DGS that said while they were stopped, my DGS screener called a weapon passed between two MAMs, beside one of the vehicles. In plain English he PID a weapon between two guys that definitely lined up with what we thought we were seeing and we relayed that to the JTAC as a sure call. We also saw at various other points probably two other instances where we saw [cut off]

(b)(5), (b)(6) continuance from track 11 on other recorder.

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(b)(8), (b)(6) [unintelligible] Definitely lined up with what we thought we were seeing, but we relayed that to JTAC. And it did come as a sure call from our DTS.

(b)(8), (b)(6) We also saw other vehicles stopped for maintenance or something like that. Probably 200 instances where we saw basically long cylindrical objects. Which is something we look for quite frequently, because it could be a sign of A, a rifle or something in fact an RPG.

O (b)(8), (b)(6) ay, let me ask that again, how many weapons accumulative, do you think, or you assess that you saw?

(b)(8), (b)(6) accumulative, this is a complete guess on my part, I would say about 30. And that's the information I have available at the moment. Now that's coming from what we thought we saw. As far as definite calls, at this point coming from my DTS folks watching my screen I can only recall one definite call. And that's the rifle pass patrol of two individual.

(b)(8), (b)(6) ay and just to confirm the DTS of the screens is back in (b)(1)1.4(a)?

(b)(8), (b)(6) would have to look up where these screeners were working on any given day sir, all though there are a few locations where they could be watching our screens.

(b)(8), (b)(6) how many MAMs did you assess, and again if you could clarify, did you assess that or did the screener, or did the ground commander, you know what was the number who determined that?

(b)(8), (b)(6) let me clarify that for you. We did make a call on that, although we leave those calls, as far as, you know like we were talking the threat number of people, and the genders and the age, we do leave that to the DTS, the experts watching the screens. So there was a call, and I believe the first call came, when the vehicles, if you watch the video, they crossed a river, and they evenly came to rest on a shoreline where they parked and took a break. And what our DTS folks reviewed and called it as they look like they took a break to pray and rally back up and continue traveling. When they did that our DTS guys did make a call and I believe as my memory serves me they called 21 military channels. So 21 people outside of their vehicles and that call went out, [unintelligible]

(b)(8), (b)(6) right just so I'm tracking, that's 212 males and three weapons is that correct?

(b)(8), (b)(6) generally throughout the night that would be accurate sir, if you're talking about specific calls which may be highly unmarked, it would probably depend on the time frame of how many MAMs or how many potential weapons.

(b)(8), (b)(6) ay how many children are heard before the strike? Do you guys observe, assess or identify, again if you would if you assessed let me know, if it came from the DTS or if it came from the ground.

(b)(8), (b)(6) here was a lot of talk about it. None of it was assessed by the crew inside of the DTS and that's between myself, my mission crew, or my team chief. We did not make any official calls on what although what you saw did match what our screeners were saying. And so I would ultimately have

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made with the calls that they made. And let's, see after the strike nobody, and that's to say the crew or DTS saw any women. In fact, literally we specifically talked about that over the radio with the JTAC and worked with the screener to try to make sure what we were seeing. And the official call came from our DTS that they saw approximately 21 males and no females. So that's the call and that did come from the DTS and did match with what we were seeing.

(b)(3), (b)(6) no women were seen by the strike screen?

(b)(3), (b)(6) Although after the strike obviously as we were talking about it, women were seen after the initial engagement. As far as children there was conversation on the radio with JTAC and myself, and relaying information back and forth through MIRC 2 and DTS. Because when the talks started it called out a potential child from DTS, so we definitely talked about that a lot. That could have been something that raised our of attention. And it definitely could have stopped it if it turned out to be children. So DTS called a potential allowed it to go about at least two hours three hours the crew continued to converse about that trying to figure it out. Ultimately what happened in regards to that DTS assessed it to be an adolescent. So we had a big conversation on the radio with JTAC and I believe he was relaying back and forth with the battalion commander because he would have us hold on and coordinate some stuff and would come back and tell us some stuff.

(b)(3), (b)(6) hold on we have a jet going over us. Okay go ahead pick it up if it's another one I'll stop you.

(b)(3), (b)(6) account with my roommate, the conversation that took place the DTS made an assessment of the smaller person, which they assessed it at a potential child; eventually after a lot of reviewing and conversation the DSGS assessed that as an adolescent. So I guess that's where it all changed, where you go from a child to an adolescent and we have talked about that on the radio with our JTAC. And we had a conversation with him and back and forth with the screeners, about okay if we are seeing adolescent and not a child at what age range that it kind of insinuates. Are we talking single digits as a child and double digits as an adolescent, do we refer to eighteen years or something like that. And eventually over the radio talking with the JTAC and battle commander and then getting information passed to us via our DTS guys we assessed that the adolescent was the double digit aged. Basically like I said an adolescent was the call and the JTAC specifically said through the radio to us, if it's an adolescent in the double digits age range and a male he is potentially old enough to be dangerous, to pick up a weapon himself. I believe that came through the battle commander through the JTAC to us. So that's where the calls came from. Does that make since?

(b)(3), (b)(6) does it does, that's really helpful. What was your response to their assessment?

(b)(3), (b)(6) initially I did not see spotters sir. The crew's initial response for DTS called a possible child and we didn't see it. So initially we were skeptical on that but it's something we could not afford so we definitely talked about it we didn't dismiss it. And that's why I feel we probably had a two hour conversation about it. Initially we did not see it but we did hack into JTAC to get answers. And that's when the whole conversation started about okay are there children have the vehicles progressed throughout the night. We tried to figure out if it was a child we tried to get a better picture from DTS to

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make a call and they ultimately relayed it was not a child it was an adolescent. And that is where that conversation about the double age range came into to play and that was all relayed to JTAC as well. So I would not say that we ever disagreed but we were cautious to make a definite call, we thought our DTS guys were sure about what they were seeing.

(b)(8), (b)(6) How many adolescents did you determine or you were aware of or that were confirmed prior to the strike?

(b)(8), (b)(6) Prior to the strike sir, we only knew about one. And that was the one mentions, ultimately that DTS had assessed that was an adolescent.

(b)(8), (b)(6) Okay, I am going to have to ask you to go the MIRC chat. I know you don't have it, but there is reference of two from you guys.

(b)(8), (b)(6) Can you give me some idea of what time frame? Is that early in the chat?

(b)(8), (b)(6) Was 0100 timeframe and once again 0400, 0500 and then a confirmation, trying to get between the time between the time before the strikes. It's mentioned multiple times. It's actually starts out two children and then it becomes two adolescents.

(b)(8), (b)(6) Okay sir that's probably a mistake on my part. So I apologize for that. I believe that the call when it was initially made, that's probably accurate. Without having it in front of me, the initial call was probably two adolescents. Two children which later became two adolescents that's a mistake on my part.

(b)(8), (b)(6) Okay I'm sorry. It sounds like what happened with the JTAC, it appears if I'm hearing correctly, that messages haven't been consistent with the screeners. Was there dialog with you and the screener to let the folks know that it was a disconnect?

(b)(8), (b)(6) I believe the communication actually, I mean I have worked with countless JTAC throughout the years I think the communication was better on this than 99 percent of the JTAC that I work with in theater. I don't believe anybody ever had conflicting opinions. Ultimately, like I said we can't through crazy conversation out until can give an update speaking the same language. We were seeing the same thing for that matter. I don't; it's not my opinion that JTAC ever had a different perception as our DTS folks, although there was lengthy conversation about if the child, if it's an adolescent a perceived danger. So the ultimate call whether the adolescent was a threat or potential threat did come from the JTAC end of it, and it was as he was updating us on the ground commander's information. So it's my assumption that came from the ground commander through the JTAC. Now all that is based off the INTEL through our {unintelligible} and through DTS people. But the ultimate call and if its and adolescent and if it's in the double digits age range, and if it's male it is old enough to endanger, that did come from our TJAC.

(b)(8), (b)(6) Let me ask you this, what do you think, I mean just you now, what do think age rank of adolescents is, from your opinion in what you interpret it, what do you think an adolescent is age range?

STATEMENT OF (b)(1)1.4(a)

(b)(7)(B), (b)(7)(C) And this is all personal conjectures, I was an English major in colleges so I think semantics can make a big difference here. I would guess personally that the difference between a child and an adolescent would probably be a child anywhere under ten years of age and an adolescent would be maybe ten to fourteen. Like I said sir that completely a guess on my part.

(b)(7)(B), (b)(7)(C) When a screener use the term adolescent are they communicating do you think combatant or non combatant?

(b)(7)(B), (b)(7)(C) A BGF state in a BGF language I would say an adolescent would probably be suggested as a cultural combatant. An adolescent would be somebody of age brave enough to potentially act as a combatant. Does that make since?

(b)(7)(B), (b)(7)(C) Yes it does. I'll just share with you, we learning from every engagement. I have asked you, but you would be surprised to find out that the screeners did not believe adolescents were combatants?

(b)(7)(B), (b)(7)(C) That would be my first in probably three years of dealing with air ground collection that would my first knowledge with that.

(b)(7)(B), (b)(7)(C) When ground walking with the JTAC in your assessment how many, were there any times that you felt [unintelligible] ground commander with JTAC had it set in your mind, before that topic switched to a different topic?

(b)(7)(B), (b)(7)(C) Don't know this answer; I can go back to the actual chat log where I can review the actual data. In fact nobody talked about actual [unintelligible] we even talked about throughout the night on the phone about how well the communication was working. I'll be honest it worked way better than what we deal with; we have a bit of time. So I believe as far as from my personal standpoint the communication at each DTS branch and up to the JTAC and in reverse was probably better than it has been in quite some time.

(b)(7)(B), (b)(7)(C) Okay, who declared clear, on this particular day?

(b)(7)(B), (b)(7)(C) Someone mentioned that the clear came from some of our DTS folks?

(b)(7)(B), (b)(7)(C) You think DTS declared clear. Let me clarify that. Not a identification of weapon but determination of hostile intent in a threat.

(b)(7)(B), (b)(7)(C) Okay, I'm sorry, the identification of weapons did come from DTS. I relayed that to JTAC. The actual determination of hostile intent came from our ground commander relayed to us through the JTAC and that was sent via radio to me and after JTAC [unintelligible]

(b)(7)(B), (b)(7)(C) Any point in this, that process do you sense that it was not, did not become a hostile force?

(b)(7)(B), (b)(7)(C) Personally I am sad to say, that everybody saw it, saw what we thought the JTAC was giving us heads up. I still haven't seen the reports so I don't know what the official outcome to be aside from this. But there was never a point in time when we saw something that conflicted on what JTAC was updating

STATEMENT OF (b)(1)1.4a

us on. Let me clarify that, he was updating us on what they were experiencing on the ground, on what was coming towards them and what was coming towards them and what they were looking for. Unfortunately I cannot go online with actually with us and our DTS guys were seeing.

(b)(6), (b)(7)(E) Must have some questions? When the vehicles moved west and continued to move west, what were your thoughts as it related to hostile intent at that time? What was the dialog you had with the JTAC?

(b)(6), (b)(7)(E) Aside the crew team we talked about, basically, to boil it down to its simplest forms; two potential scenarios, one was go traveling west to get out of the risk and another were traveling west as we were analyzing the terrain [unintelligible, cuts off]

(b)(6), (b)(7)(E) They were traveling west [unintelligible] to flank with forces. About what was hostile forces we were trying to determine where they traveling west or flanking with the guys on the ground.

(b)(6), (b)(7)(E) Did the ground station have an opinion of these facing movements?

(b)(6), (b)(7)(E) Had us tracking through it, there was a conversation about it. And he basically wanted to know, were they headed south or east. He basically wanted what direction they were heading, if it could have been a threat and if it matched with his INTEL. Which was the other set of communication on the ground.

(b)(6), (b)(7)(E) Did the screener indicate a position or augment movement that the vehicles left?

(b)(6), (b)(7)(E) The screeners probably had a picture of which way [unintelligible] basically what would happen every once in awhile [unintelligible] you could see the current location [unintelligible] and where they would move after that. [Unintelligible]

(b)(6), (b)(7)(E) Okay I am going to take you through a discussion between (b)(1)1.4c to a screener. And maybe you'll remember this. This is 024135, let me start with 0240, this is from the screener to you, to your team I'm sorry. These vehicles look like they are evading the area. And then (b)(1)1.4c responds, 'I receive copy.' And (b)(1)1.4c responds, 'I need flanking as well. Too soon to really tell right now.' And the screener replies with, 'approximately 5 miles northwest, blue forces.' And the screener comes back on a minute later, 'and says 'to far back from blue force for flanking.' And you, respond back with, '[unintelligible] did one.'

(b)(6), (b)(7)(E) Let me clarify that because I can give you some good insight on that. What you are seeing is a conversation between us and DTS what you are not hearing on the other end of that conversation, between everyone of those comments I would talk each order to the JTAC. JTAC would then coordinate with the ground commander and get his assessment on what basically what DTS just said. For example did you DTS they went to do an assessment of the area. What you don't see in between there is, we thought, you might be entering the area to the JTAC. JTAC talked with his team on the ground. And they said yeah I understand the vehicles are potentially are headed to your area. But is just too early to tell they could be flanking. Based off the information that he was receiving through his (b)(1)1.4(a),

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STATEMENT OF (b)(1)1.4(a)

because I believe that was what he was getting from his sources. So we were kind of playing the middle man, passing information to the JTAC and DTS passing information back to the JTAC.

(b)(3), (b)(6) Let me ask you this, it closes up a lot of seams. What did interpret by the comments from the screener as they my terms, switch back on a potential flanking movement. What was your read on this of the screener's assessment?

(b)(3), (b)(6) I don't know if it helps it at all, the best way to explain the way is to try and make the safest call. To just call it a flank I believe to be the most conservative call. So that might have, I would not be too quick to rush into a call into that particular area. And that's at the interest of keeping our guys on the ground safe. I believe that why DTS confirmed back to JTAC and then back to DTS. It's still potential a threat in the area but we wanted continue to observe and identify that, and that's keeping the interest of the safety of the guys on the ground. And I think what you would see immediately what we saw from that JTAC is that we didn't want to make any hasty calls, until we were sure that our guys on the ground were safe.

(b)(3), (b)(6) And since you knew that and that's words mattered I would just like to add when you use the word conservative, you still want to have the same conviction that you have the talking about it. Because when we hear the word conservative, me being a conventional former brigade commander, that means I don't fire. In fact it means liberal when I do fire. So I, as we go through this if you would of describe it so I don't have to read into it. I got it loud and clear and I really appreciate your explanation of the risk, is what I think you were telling me, the potential risk to the ground force.

(b)(3), (b)(6) Yes sir, and I don't mean to confuse words, when I mentioned conservative I was meaning from the perspective of safety for our ground forces not in relation to firing but in relation to making the appropriate call. I wanted to make sure that we passed information from the JTAC to the DTS, as quick as possible, so that we could make the safest calls for our guys on the ground.

(b)(3), (b)(6) Okay, as we walk you through this, here's a picture we are painting. Maybe you can reconcile it. We've got the ground force commander and a close enemy ground maneuver against them. We've got the screener looking at everything in a very peer form. They are looking at vehicles, two or three weapons, two or three kids depending upon how you assess the numbers. We got a convoy moving west. And then we got you in the middle who is trying to help put this together. Would you explain to me your thoughts, and why you thought this was hostile? Cause that, I just need to get a real appreciation on that, I'm just a little gapped on that.

(b)(3), (b)(6) Yes sir, like I said, I believe I was out there to provide a good product, be supportive, and hopefully communication between [unintelligible] to be honestly don't know, whether I witnessed something hostile, I honestly don't know. That is my personal promise, I honestly don't know yet what we saw. I know the outcome of it. With multiple deaths [unintelligible] I don't know that I ever made a call of hostile intent, and that's to say, for better for words just to pull out. I was never asked to employ my weapons so [cutoff]

STATEMENT OF (b)(1)1.4(a)

(b)(6), (b)(7)(E) was there to provide good communication. But the hostile intent turned from the, issuing attack from the ground commander. That idea, I disagreed with that last call from them so I believe called the supported steps back to them. And I tried to call [unintelligible] things could have only got better [phone hangs up]

(b)(6), (b)(7)(E) got disconnected.

(b)(6), (b)(7)(E) called back.

(b)(6), (b)(7)(E) thanks for calling back.

(b)(6), (b)(7)(E) problem sir.

(b)(6), (b)(7)(E) got that and I understand it. I do, again though we are trying to figure out how this picture was painted and the ground commander made the decision he made. We appreciate what you are right on so far. Was there ever any time in your mind that you became part of the ground fight with the ground commander, in terms of coming maneuvering, in your mind?

(b)(6), (b)(7)(E) definitely try and patch new information sir. I do try to put myself in a good perspective to get everybody information that is important to them. I will tell you just by flying this platform and what we see in having such a honor, I do experience stuff along with the guys on the ground. I definitely care about them; in fact that's why I volunteered for this job and try to help our guys. To do the best I could. So I would say I am in that situation along with them, just trying to support them the best I can.

(b)(6), (b)(7)(E) say up until the strike, do you guys track slants like the scooter does, do you guys work that as well?

(b)(6), (b)(7)(E) only work it as far as passing the screener's information to the JTAC, so we wouldn't have a different slant or we wouldn't come up on our own but we would use the screener which we passed to the JTAC multiple times I believe.

(b)(6), (b)(7)(E) right, this is just some simple questions to the hostile intent. If I understand you concurred with the ground commander and with the JTACs picture of the battle space is that correct or incorrect?

(b)(6), (b)(7)(E) don't concur with the fact that ground commander was passing to us through the JTAC. Could have very well been what we were looking at and like I said I still don't necessarily know the outcome, I never confirmed hostile intent although was ever in that position to disagree with.

(b)(6), (b)(7)(E) say fair enough.

(b)(6), (b)(7)(E) going to lay out some, what we believe to be assessments. And then I just want you to give me your reaction.

(b)(6), (b)(7)(E) say sir.

STATEMENT OF (b)(1)1.4(a)

(b)(3), (b)(6) men, 3 weapons, 2 kids, moving west 12 kilometers away from the objective sight. What's your reaction to that?

(b)(3), (b)(6) initial reaction, I believe time of restraint, correct?

(b)(3), (b)(6) correct.

(b)(3), (b)(6) initial reaction would be that's pretty close. The official call was that it was two adolescents instead of two children at that time, but that probably neither her or there at this point. And as far as moving west I'd have to look at my [unintelligible] to make sure but believe they were beginning to move through a mountain pass or a valley which was kind of turning to the south at that point. I would have to review my feeds to say for sure.

(b)(3), (b)(6) say, does, did the presence of adolescence confirmed in the distance away from the objective, cause you to pause at anytime.

(b)(3), (b)(6) initially any call of younger person, or children, in general would definitely be a factor for us. So when the initially came up there was a huge conversation about it. I believe listened to it earlier that day, one radio call, while I was on the phone doing some coordination. That phone call was actually to my OPS supervisor and he and I were talking about what we were seeing, as far as any children were out there, we were trying to get information that that was possible. So initially yes, that would be a huge concern. But by the time of the strike though we had that conversation, done a lot of coordination. And ultimately except for the information offered up by the JTAC battle commander, is that it is still too dangerous to us. And that call came from the ground commander.

(b)(3), (b)(6) let me ask you this, what were you aware of that the ground commander thought, why they struck, where they did when they did? What was provided to you from the JTAC?

(b)(3), (b)(6) believe, it's in the video, that's one thing that I talked to my OPS supervisor as well. The strike came out, this was a long drawn out scenario about three or four hours. The strike ultimately came a little quicker than when we expected. The next occurred, JTAC kept asking us when they traveled south, because what he was worried about with potential deaths. And the INTEL he was given, was that something was going to rally up with more enemy force and then mount an assault against the guys on the ground. So we belied we were going to continue follow, continue to pass up feeds. So that we would have an idea of when, we did try to run [unintelligible]. We he decided to engage with the helos when they did, it happened very quickly from our standpoint. I don't have a lot of info or situational awareness of why JTAC decided to use them when they did. When they actually came up my understanding JTAC switched me on frequencies. So we weren't talking on the frequency I was talking to him on to a different frequency to coordinate with the helos. So now to make sure the helos saw what I saw and we were looking at the same vehicles that I saw. So when I actually went to that frequency and coordinated that with the helos, I got advice on the direct vehicles and ensured we were on the same vehicles for attack and the strike team [cutoff]

STATEMENT OF (b)(1)1.4(a)

(b)(7)(B), (b)(7)(D) d that was called in by the JTAC, I did hear that on the radio.

(b)(7)(B), (b)(7)(D) eed to ask you a question here, and be very specific. If you don't understand it ask me to repeat it. At anytime were you aware of that the commander, was or was not concerned with these forces leaving the objectives because it was high target in the vehicle?

DATA REQUIRED BY THE PRIVACY ACT

ORJTY: Title 10, United States Code, Section 3012(g)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION <i>Kandahar</i>	2. DATE <i>26 Feb 0</i>	3. TIME <i>1230</i>	4. FILE NO.
5. NAME (Last, First, MI) <i>(b)(3), (b)(6)</i>	8. ORGANIZATION OR ADDRESS <i>SFOA 3124 1/2 SFG (A) KANDAHAR, AFGHANISTAN</i>		
6. SSN <i>(b)(6) (b)(3)</i>	7. GRADE/STATUS <i>CPT</i>		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army *MG Timothy McHale* and wanted to question me about the following offense(s) of which I am

suspected/accused: *Disobeying of a lawful order*

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE
1a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE OF INVESTIGATOR
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR

Section C. Non-waiver

1. I do not want to give up my rights
 I want a lawyer
 I do not want to be questioned or say anything

IGT
 (b)(3), (b)(6)

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION <i>New Kabul Compound</i>	2. DATE <i>5 Mar 10</i>	3. TIME	4. FILE NO.
5. NAME (Last, First, MI) <i>(b)(3), (b)(6)</i>	8. ORGANIZATION OR ADDRESS <i>SFO DA 3124</i> <i>1/2 SFG (A)</i> <i>Kandahar, Afghanistan</i>		
6. SSN <i>(b)(6), (b)(3)</i>	7. GRADE/STATUS <i>CPT</i>		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States ~~Army~~ *Forces - Afghanistan* and wanted to question me about the following offense(s) of which I am suspected/accused: *Failure to obey a lawful order*

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. *(For personnel subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)	3. SIGNATURE OF INTERVIEWEE
1a. NAME (Type or Print)	4. SIGNATURE OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE	
2a. NAME (Type or Print)	5. TYPED NAME OF INVESTIGATOR <i>MG Timothy McHale</i>
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR

Section C. Non-waiver

1. I do not want to give up my rights
 I want a lawyer *I will to answer question with attorney present* I do not want to be questioned or say anything
 SIC: *(b)(3), (b)(6)*

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: The solicitation of personal information in conjunction with this investigation is authorized under Title 10 USC 3012.

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regards to:

Investigation of 21 Feb 10
Civ cas incident.

ROUTINE USES: Information obtained during the course of this investigation will be used to document relevant facts regarding the matters investigated. It will be used to determine the facts leading up to the matters investigated, establish individual responsibilities, negligence, and to make recommendations for corrective actions and/or appropriate administrative actions. Any information you provide may be disclosed to members of the Department of Defense who have a need for it in the performance of their duties.

DISCLOSURE MANDATORY OR VOLUNTARY AND THE EFFECT OF NOT PROVIDING INFORMATION: The private information you furnish is voluntary. There will be no adverse effect on you for not furnishing private information, other than that certain facts or information might not be otherwise available to the Commander for his decision in this matter. The other information you furnish is mandatory. Failure to provide the requested information could result in disciplinary or other adverse action against you under Article 134, UCMJ.

Having been advised of the provisions of the Privacy Act, I hereby agree to provide information concerning this investigation.

(b)(3), (b)(6) (b)(3), (b)(6) 26 FEB 10
Printed Name/Rank Signature Date

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION	2. DATE (YYYYMMDD) 2010/03/05	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS CPT	

8. ORGANIZATION OR ADDRESS

9. I, (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Statement begins on page 1, transcribed statement from pages 2-69

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 69 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

MG: When the mission got approved, how it got approved, the approval authority, the planning for the mission, and bring us up to the time before you were at infill so we understand that background?

CPT: Roger Sir, Based on Intel we developed the mission to go to (b)(1)1.4(a) which was suppose to be executed periodically on the 19-20 thru the 21st based on information I received prior to executing the mission there was a chance the mission would get extended 2 additional days (b)(1)1.4(a) The Approval Authority because it was a Level 1 CONOP, the CONOP needed to get sent to my AOB he would review it and once it's scrubbed they would sent it up to SOTF, SOTF scrubs it and then sends it to CJ-SOTF. CJ-SOTF approves level 1 and 2s or approved by the CJ-SOTF Commander COL(b)(3), (b)(6)

Once we develop the INTEL to actually derive the mission we submit the CONOP, then we begin to conduct our rehearsals, do mission planning, and developments over a period of time. Once we're ready for execution prior to this actual mission we meet with the air crews at (b)(1)1.4(a) After Level 2 was conducted with another ODA we did coordination's for the infill, made sure infill was straight and then we infill the night of the 21st... correction the morning of the 21st.

MG: Could you talk about some of your rehearsals, what you did and a brief walk thru?

CPT: The rehearsals started very basic without force, we had ANA and ANP on the force helping with loading and unloading the aircraft, moving in a concealed manner with our support by fires task and purpose, clearing the objective area, conducting proper (b)(1)1.4(a) reconsolidation organization, and then exploitation and properly loading an air craft.

MG: In your infill updates before you went in can you tell us if INTEL was reporting what you thought you were going to see when you got out in the projected area (b)(1)1.4(a)

CPT: Based on the INTEL from local reporting it was a known area of where the Taliban uses a safe haven they openly move day and night in the area but that was based on human reporting. What we believed we were going to see, and what we did see was additional forces anywhere between 40-50 additional reinforcements in the area. That was briefed and sent up to the CJ-SOTF to be confirmed by their INTEL analysis or their INTEL analyst actually looked at it, and that's what's briefed.

MG: Before you INFILL that night what assets did you know you would have and when did you know you would have them, for example Predator and (b)(1)1.4(a)

CPT: When we submitted a CONOP we submitted for every assets/air assets, (b)(1)1.4(a), (b)(1)1.4(a) they were all submitted based on requirements or based on availability, those requirements are either approved or can't be supported. When we were infilling I knew we were going to have an ISR platform and I knew we were going to have a (b)(1)1.4(a) platform. (b)(1)1.4(a)
(b)(1)1.4(a)

MG: Unit A is who?

CPT (b)(1)1.4(a).

MG: Tell us about before the infill loaded up, where you started from, the infill and were you started up?

CPT: Prior to actually moving to the HLZ we conducted a pregame with SOTF. What that does is confirm or deny any changes in are task organization. Once it's confirmed and they give us the go ahead we move to HLZ. We then move to HLZ posture and prepare for the aircraft to come when the aircraft lands we load. Also the check in times for aircrafts will be in the objective area, the (b)(1)1.4(a) or the Predator (b)(1)1.4(c). We begin to check in with my JTAC and so he can have a situational awareness updates on the objective area.

MG: Could you talk to us about your talks with SOTF, setting it up, getting the air craft, all the coordination, pre coordination and what happened after you took off?

CPT: Through our requirement whenever sending out Level 2s they have to be submitted to the CJ-SOTF 96hrs prior to the execution. My AOB Commander has given us direction that he would like the CONOPS Level 1 & 2s about 10 days out. That gives them time to scrub the CONOPS and make all the proper corrections as far as grammatical errors and basic information that is not correct to put in the CONOP. Then if they generate any RFIs and request for information then they have to come back to the team and designate what's needed and what needs to be taken off. Once they scrub it then it's sent to the SOTF and they basically go through the same process through their S35 shops a few drops, then they scrub it. Then the SOTF generates any RFIs, and then they either go directly to the team or they go through the AOB. They also have a checklist that's required for each CONOP as they're staffing it to be basically the check list, to make sure they got everything checked in the boxes then it's ready to go to the next level CJ SOTF. The CJSOTF goes through the exact same thing, staffs it in their S35 shop and

then if they have any questions they send those to SOTF during the staffing operations and I actually witnessed one last night. If there are any questions after that then they either push it back down to the AOB or directly to the team.

MG: On the day of the OP or the night of the OP is there a conditions check you have with the AOB or the SOTF on what's all going on as far as your assets coming or your coordination, call signs, frequencies, how do you do that.

CPT: (b)(1)1.4(a)

(b)(1)1.4(a) . I have yet to see any change like that, I will always check in with my AOB commander and let him know that I'm green to go and there are no changes as far as my task order and my intent to the mission. (b)(1)1.4(a)

(b)(1)1.4(a) . Then if I haven't received any kind of push back from the SOTF then at that time as far as changes we're required to do pregame as I previously mentioned and basically we run it through the CONOP, do we know of any information or intelligence changes. Usually that should be pushed down as far as intelligence changes on the objective from SOTF, I don't have any direct communication with CJ-SOTF prior to executing the operation other than I received my CONOP approved and that lets me know I'm clear to execute my mission.

MG: You said you don't have any direct communications with CJ- SOTF, what are your direct communications with the AOB and then after that with the SOTF?

CPT: Let me clarify that Sir. I don't have any direct communication with CJ-SOTF just prior to infill. Most of my interaction will be with the CJ SOTF Battle CPT and the biggest thing is any kind of INTEL updates or any kind of changes to the task org. Usually what we do is we try to brief at my level we brief anything between 48-72hrs out on a mission like this. We give the 1/3rd or 2/3rd rule for my team to execute proper rehearsals and proper PCIs. Once we do that it's more of an administrative role as far as making sure there are any changes that we submit them. If there are any changes of INTEL that we push up so they can have the proper time to asses.

MG: On the night when you're going in to execute you had a dialog with the AOB Commander?

CPT: Basically Sir, I'm just checking making sure we're good to go, I check in with my AOB Commander who is MA (b)(3), (b)(6) I check in with CW (b)(3), (b)(6) who runs part of their operations little cell. That is just for administrative and logistical report.

MG: During the fight what is AOB's role as far as what do they do in the fight to support you?

CPT: Supporting (b)(1)1.4(a) the AOB role is primarily logistics and administrative support only. Operationally they can help if there's something that pops up, they're co-located with (b)(1)1.4(a). If we need a resupply obviously if SOTF will not be able to support it they can do formal and informal coordination's. For example we got a team out there we need supplies can you help us out, they loaded up the supplies and they moved us out. Most of the support is based on the size of the ODB and the lack of the staff they have directly. Our direct support comes from SOTF.

MG: That afternoon or evening before, what kind of dialog do you have with the SOTF element, the BN Cdr, Battle CPT, and the S3 as you're getting ready to go out? Take me through that pregame process with the SOTF.

CPT: The only requirement for pregame that is dictated to us is task organization changes and if we have any kind of INTEL updates. What I've tasked each of my individuals to do, is each individual MOS they require coordination my COMMO operator makes sure all COMs are checked, we make sure we have COMs with our SOTF and there's no-issue. My weapons guys make sure we have all the weaponry we need. My deltas make sure they properly have all their equipment and they can also check with the AOB and the SOTF that dust of is good. One of the biggest things is again making sure that our mission time set maintains the green or amber status and we will not execute any mission if I have red status, prior to infill. If I have red status then we will push.

MG: This is with SOTF?

CPT: I have a SLT he's always tasked to make sure I have information as far as the weather and if we're not getting information then we have to inquire about it. The biggest requirement as far as going into a mission is a formal pre-game per task and sometimes INTEL. I had no direct communication with the SOTF Cdr prior to executing (b)(1)1.4(a). The direct communication I have with the Battle CPT is for pregame only and being (b)(1)1.4(a) I want to say that coordination was actually with the OPS NCO SFC (b)(3), (b)(6) I believe it was.

MG: Talk to us about the infill and what happened?

CPT: Prior to infill just as we prepared to arrive we already (b)(1)1.4(a) ... (Referring to notes)... They had already known that the HELOS were coming. Once the HELOS landed on the ground there was a (b)(1)1.4(a) . Probably because, and this is my assumption, (b)(1)1.4(a)

(b)(1)1.4(a)

We asses that, it's something we receive. We get on the birds and we move, (b)(1)1.4(a)
(b)(1)1.4(a)

and our COMs we're going with. (b)(1)1.4(a)

(b)(1)1.4(a) . Once we make touch down the first thing we do is establish communication with our SOTF not our AOB. We infill we started receiving (b)(1)1.4(a) about our forces on the ground, where we landed, and basically what are composition and posture was at the time. Immediately we passed up the code word (b)(1)1.4(a) prior to actually infilling we passed up the code word (b)(1)1.4(a) (b)(1)1.4(a) meaning forces are on the ground and we're 100% up on all our forces.

That was passed forward to the Battle CPT through my 18E SSG (b)(3), (b)(6) based on my direct to him.

While on the ground, as I explained earlier two birds came in we established or HLZ posture are PZ posture. That are two aircraft left and our next aircraft came in and land in the same spot as our first aircraft. They take off they launched somewhere to the west approximately (b)(1)1.4(a) to support our

(b)(1)1.4(a) (b)(1)1.4(a) this mission was (b)(1)1.4(a) but are CONOP it will say (b)(1)1.4(a) but due to prior coordination it didn't make sense to send a aircraft (b)(1)1.4(a) to pick up 12 when I had another ODA prepped and ready to go at (b)(1)1.4(a) and they were in posture. That was only for INTEL, once daylight rolls up and those birds had to turn and TP back to (b)(1)1.4(a) and my direct QRF would be (b)(1)1.4(a) and my GAC which is the ground aircraft would be (b)(1)1.4(a) .

We infill media once the daylight came up the (b)(1)1.4(a) just blew up stating where we were and what we were doing. I immediately pushed out my forces, my support by fires to establish their support fire locations prior to any movements of my assault element that was going to move through the

objective area and clear by push out to the outside of the eastside of the objective and establish a query through the objective. That is how infill went sir.

MG: So now we infill on the objective, talk us through that?

CPT: We executed are...are we executing our target sir, or seeing what we are hearing?

MG: All of the above.

CPT: Okay, obviously sir this is a very extensive timeline. Initially we have (b)(1)1.4(a),(c), (b)(1)1.4c basically being a PRED on station. We immediately got the report again prior to infill at 0249 we started hearing about "HELOS on the way". At 0311 we begin starting our reporting up to SOTF about (b)(1)1.4(a) and multiple squirters moving in the objective area. At 0317, I report (All Local time) multiple MAMS, on roof tops, squirters, and (b)(1)1.4(a) saying (b)(1)1.4(a). Since they already knew we were coming I think they were pretty much woken up. We continued to go through our stuff (b)(1)1.4c traffic throughout infill, throughout execution, throughout XFILL was always up and its nature, it demonstrated a posture that the enemy was not vulnerable nor were they in fear of our presence at any time. (b)(1)1.4(a) caught the preparation of (b)(1)1.4(a) "I'm paraphrasing of course" ... to conduct direct actions of my element, at this time just at night time, but also to conduct actions later throughout the day.

AT 0329 we start receiving reports that MAMs are moving tactically throughout our area in the vicinities of our target area. Movement was identified both by (b)(1)1.4(a) and (b)(1)1.4c as we're moving down towards our target area my SOFT element which was my main effort identified a structure that needed to be cleared with decisive terrain if the enemy occupied it they could engage my forces in the BAZZAR area very effectively, and we would have to basically turn around and re-assault it. I gave them the go ahead to execute that, to make sure they did it when they moved to the structure. It was a one man structure but it had a UXO/booby trap in the entry way. My EOD personnel cleared that threat. They went in and did a cursory search; I'll define cursory search, they did not do a hard search. They weren't clipping in boxes or anything like that because there was nothing in there. They basically put white lights in rooms making sure there was no enemy hiding that could engage my forces as they move forward. Once they cleared the structure of my main effort, my team leader told me it was clear I told them to proceed forward and set up the cordon of the objective area and push through. All of this again is being reported on (b)(1)1.4(a), obviously (b)(1)1.4c and (b)(1)1.4(a) is tracking my friendly forces but there also

tracking the movement of squinters/MAMS on the objective area. At 0334 (b)(1)1.4(a) referencing AAF moving up from the south this was past with heavy weapons with the intent to move to high ground to engage my support by fires from the south.

MG: Could you take the laser pointer and point at what you're talking about.

CPT: (Pointing with laser pointer on map Operation Khod) Red dots (b)(1)1.4(a) my support by fire location; the two HLZs are in this vicinity right here.

LTC (b)(3), (b)(6): When you said there were squinters identified were those only individuals or were they seeing groups of MAMs?

CPT: Both Sir, we were seeing groups, we were seeing people jump over walls back into compounds and digressing towards the irrigation ditches that were located to the eastside of the objective. At 0341 (b)(1)1.4(a) states the AAF is establishing ambush east of the objective area, and the commanders are telling their forces there suppose to monitor their radio and be prepared. The (b)(1)1.4(a) is increasing significantly at this point were only 40mins into the operation. I would have to refer to my notes, but multiple SALT reports, size activity location transfers, have been set up. (b)(1)1.4(a) had no push back and no type of information from them at this time because they had no type of situational awareness as far as our objective area.

MG: Those were called in by what specify?

CPT: No Sir, all my SALT reports unless terrain does not allow me, or if I have to execute my commerce pace plan go up through (b)(1)1.4(a).

CO (b)(3), (b)(6) Who physically submits those, you?

CPT: No Sir, the COMs platform that I went in with was... I had a (b)(1)1.4(a).

(b)(1)1.4(a)

obviously I'm not a radio expert but if there's any issues then he fixes it. He's directly at my hip if the terrain allows it if it doesn't I usually relate to my (b)(1)1.4(a) but he's never out of site or from my location. Primarily all communication that day prior to daylight were all done directly through my primary means which is (b)(1)1.4(a).

LTC (b)(3), (b)(6): Do you know physically who you talked to over the (b)(1)1.4(a)?

CPT: It's monitored by the Battle CPT or the Battle NCO. Basically whoever's there to answer the radio, it should be the Battle CPT. Let me define the Battle CPT for you Sir. The Battle CPT should be a senior CPT like a promotable to MAJ; he's already had his detachment command so he can anticipate the scenarios that we are going to see on the ground. That should be the qualifications of the Battle CPT at CJ-SOTF.

COL (b)(3), (b)(6): Thanks for coming in to do this to help us get a better appreciation. We're going to talk about some of the elements, the target development as you discuss the scheme and what you saw and when you saw it throughout this piece. I'll ask about PID, Hostile intent as it develops as part of the discussion; I'll try to keep it in sequence so you can keep your flow as were going back and forth here. Right now where are we at in your time line?

CPT: At about 0341 basically we have all my elements boots on ground. We have support by fire, 1 located in the south and 2 located to the north.

COL (b)(3), (b)(6): You've been about 35-40mins into this thing, what is your assessment right now you can use your notes, what are you dealing with in the close fight?

CPT: Basically what I'm seeing Sir prior to the initiation of lights, which brightly increased my situational awareness. Right now I know I have about 20-30 people moving around the objective area. I have C2 note somewhere in my objective area doing direct coordination's with elements to the north south and east, throughout my objective area. Again, not knowing where at this time, the individuals were located or who was actually spotting as I described before. We went through the non-lethal affects to try to identify who actually had eyes on our objective. To answer your question boots on the ground established support by fire in both locations, cordon basically set patrols moving in the alley ways in the objective area making sure that we don't have any people bouncing out. Also we believe that cordon we did encompass some structures just because the nature of terrain.

COL (b)(3), (b)(6): Right now do you feel that you own the terrain or the terrain own you?

CPT: The reason I chose where I actually INFILLED was because prior information, I had an unfortunate event or prior experience. We were delivered into an ambush on my element and I had SWIAs last time so I realized that if I didn't own the high ground of the west for the objective are only, If I didn't own the high ground of the west then the enemy had an equal opportunity/equal fight with me as long as I

maintained this element up here (pointing to the map) for the elements on the objective area the objective area (b)(1)1.4(a) had decisive transfer.

COL (b)(3), (b)(6) Go ahead and just pick it up from here...

LTC (b)(3), (b)(6): Let's take a break and get some water.

(Break)

COL (b)(3), (b)(6) : so just pick it up from here, you can use your notes and timelines, and walk us through generally the next hour?

CPT: First thing I would like to point out is SALT reports are continuing to go up and SOTF is tracking the (b)(1)1.4(a) At 0342, SOTF request (b)(1)1.4(a) to begin to scan slower because they said they can't identify what the (b)(1)1.4(a) is actually looking for. At this point however is requesting that information should be pushing it down to us so we maintain situational awareness. What we're doing, the directive is we were doing a day time search. Based on the (b)(1)1.4(a) we cannot execute any kind of structures other than that search of that structure that was definably incorrect with my element. We we're basically sitting on ground waiting. We do this basically between 0550 and 00615 because of the light when the sun rises, once the sun rises at BNMT I'm allowed to execute my operation. At 0354 (b)(1)1.4(a) states that one individual state's that they were gathering their forces and will move towards (b)(1)1.4(a) which is my station, once aircrafts are off station. So, they are identifying the air assets that we have the graphics are up here really insignificant it's really the traffic until we actually get into the execution of the objective. Wouldn't you agree Sir?

Actions that we are seeing at this time, we have light interaction between positions. There proceeding between this area of here and this area over here (pointing to the map). Terrain situational awareness is that it's a line of site as long as you maintain in this green zone area. The light interaction between the initial positions of vehicles... Now when we see the lights then we don't know they are vehicles until we move the assets up there and they identify the vehicles.

LTC (b)(3), (b)(6): CPT (b)(3), (b)(6) can you put a 1 on the hard copy in both places that you saw the lights, roughly.

CPT: I'm going to call the north one and the one by f (b)(1)1.4(a) down to the south as 2. These were identified...

LTC (b)(3), (b)(6): Can you just mark on the hard copy everything that you point to on the map on the board.

CPT: Initially the initiation of lights was identified to the north where they were identified by my southern support by fire position; they had the best hands on. We deemed that based on (b)(1)1.4(a) the interaction between the initial positions and we still don't know if that area to the north is lights. There were initial positions of vehicles once we find this out in the south industry of communication. I assessed its formal markings, formal communications, and up to allow elements to know that I'm here and I know you're here and those lights initiations were reciprocated both ways. These were eventually identified by both elements, one to the north and two to the south. Again (b)(1)1.4(a) is going of the wall, (b)(1)1.4c and (b)(1)1.4(a) at this time I've identified movement to the east, south, and north demonstrating development of friendly forces at this time.

COL (b)(3), (b)(6) : Where was the movement from the east at?

CPT: They were moving along this way (pointing to the map), and movement from the north means there they are moving from the south to the north.

CO (b)(3), (b)(6) : So where was the movement between North's at? When you were saying south to north you were asserting that?

CPT: You have movement on the eastside right along the green zone, you have movement to the north moving south and movement to the south pushing north.

COL (b)(3), (b)(6) : what time is this?

CPT: Basically elements are moving around 0455.

COL (b)(3), (b)(6) : So were about 45mins into it, what do you think your assessment about owning the terrain or the terrain owning you?

CPT: Until daylight Sir I believe I own the terrain, as far as owning the decisive terrain by the blast. The enemy has north occupied the entire enemy around me to the north, east, and the south. They have it, but we're still in the cover of darkness.

COL (b)(3), (b)(6) : To make that determination you still had the I (b)(1)1.4(a) and what?

CPT: (b)(1)1.4(a) . PID of personnel; I want to be clear on that, personnel movement from (b)(1)1.4c and (b)(1)1.4(a) .

COL (b)(3), (b)(6) : Where definitional terms are okay, this is the first of three times I'm going to stop and ask you to clarify definitions? What is PID?

CPT: PID probably shouldn't even be use that loosely with individuals because at this time PID is required for engaging and I don't have PID of weapons, I'm saying I have eyes on these packs of groups moving. PID I say is a reasonable certainty of an element but it's not a 100% mathematical determination that it is.

COL (b)(3), (b)(6) : Keep going?

CPT: At 0455, (b)(1)1.4(a) was picking up movement of AAF elements are moving into 2 distinct groups now, to the north and one to the south attempting to surround coalition forces. (To the map) There basically seeing movement pushing south and pushing north.

(b)(3), (b)(6) that's about a Kilometer or 2 Kilometers away north and south from your positions.

CPT: I believe they said they were moving along the green zone pushing south.

(b)(3), (b)(6) what did you understand that to be?

CPT: They were moving and they were moving into the position to...

(b)(3), (b)(6) how close to the proximity to you?

CPT: No grids were passed at this time by either asset.

(b)(3), (b)(6) what's your sensing with your ground assessment?

CPT: If they're moving on foot their south of the waadi right here Sir. (Pointing to map)

(b)(3), (b)(6)

CPT: There moving by foot this element right here they can push throughout the green zone and trench lines and irrigation ditches and never be seen by our support by fire.

(b)(3), (b)(6) Direct fire engagement area.

(b)(3), (b)(6) Can you put a 3 and 4 in the areas that you're talking about.

CPT: Basically I'm going to draw a line. We're going to call the 3 being the south and 4 being in the north.

(b)(3), (b)(6) That's fine.

CPT: At this time looking at my time line at about 0500 the ...lights initiated contact. About 0510 (b)(1)1.4(a) reports 2 vehicles in the vicinity about here (Pointing to map). Also 2 vehicles moving north to south dropping of people in stagger locations moving tactically.

(b)(3), (b)(6) Where were those 2 vehicles exactly?

CPT: Obviously as previously discussed this route is... (Pointing to the map)

(b)(3), (b)(6) Okay so that's how it started and where it started to move?

CPT: Yes sir

(b)(3), (b)(6)

CPT: Some of the actions that were taking place to this time (b)(1)1.4(a) had reported all individuals/ vehicles moving in on the objective are moving tactically in nature, they used those words. They had secured enemy postures during times and there was also a call of concealment of weapons. Basically because they could hear the (b)(1)1.4(a) moving, this is around the time the (b)(1)1.4(a) came on. We refer to him that way because he was referenced during (b)(1)1.4(a) . I had to call in for reinforcement's numerous times from INTEL of his consuming weapons. When that call for concealed weapons was done it was in direct correlation with the actions on the ground. (b)(1)1.4(a) identified people moving into the tree line and then coming back outside the tree line, in reference to MIRC chat it does talk about individuals moving with packs on their backs. Will stop and get into the vehicle momentarily. At approximately 0510 the (b)(1)1.4(a) reports that 2 vehicles moving north were moving

from the north to the south dropping off people. At 0514 (b)(1)1.4(a) reports seeing 25 MAMS moving from the north to the south of these elements dismounting. (Back to the map) that is pretty much that area I was talking about and again if you reference it will be marked number 4 on the map. They're moving and everything we reported was moving tactically. All of this information is being pushed out to (b)(1)1.4(a) as far as what assets were using to see this and basically what the ground truth is with our situational awareness for or SOTF being passed up through the Battle CPT or the Battle NCO that were actually receiving the calls. At this time we are not getting anything, we are only getting confirmation that what we are passing is being received.

We begin to shift our movement of (b)(1)1.4(a) based on my directives it begins to shift our sensors of (b)(1)1.4(a) to the location up north deeming the vehicles with packs in it I deem as a greater threat. Especially because I have elements to the west of that and I have dismounts. He begins to see movement reports at 0536, (b)(1)1.4(a) reports MAMs mounting the bed of trucks and he reports have possible weapons. I don't define this as PID but I define this as now a situational awareness heightened threat I need to begin to focus on that.

(S), (b)(6) What's Hostile Intent mean to you?

CPT: Hostile Intent is Imminent or pending threat to my force. I can read you a doctrinal term but my hostile intent is an action by an enemy towards a US Force or partner Force which leaves me to believe my force is coming into an imminent threat.

(S), (b)(6) Where were you at, at this cycle in this point?

CPT: I believe once they identified the actions of individuals moving dismounted and the actions of the vehicles I believe that now I have moved to an imminent threat. This is where I begin to conduct my ground troop assessment of what I'm actually seeing based on the INTEL that was provided by (b)(1)1.4(a) (b)(1)1.4(a) I still have to see if what he was briefing is becoming factual on the ground truth. Always going in with the perception that it is true, sometimes with the first boots on the ground you say that this is not true or we over assessed. I believe actually this time that I under assessed based on the amount of movement that was being reported.

(S), (b)(6) App going?

CPT: 0540 KIRK reports a struggle in the vicinity of the stopped vehicle. At the same time they also identified a black duffel bag being located into the back of the vehicle.

(b)(3), (b)(6) Where was that on the map?

CPT: They're still north of the river. Until daylight the trucks will remain north of the river once they crossed the river were going to talk about the vicinity of their prayer time. At 0537 they identified struggle, we don't know what the struggle was about but they just pass it up in the MIRC chat there's obviously more reference to the struggle. He asked, can you just defined is this a struggle or a fight? That was interaction between (b)(1)1.4(a) and SOTF.

(b)(3), (b)(6) (b)(1)1.4(a) share with you their assessment and what that was?

CPT: If I remember correctly they said that it was a struggle, that's all I can...

(b)(3), (b)(6) they characterize the purpose of the struggle?

CPT: No they didn't

MG: You said that (b)(1)1.4c had discussions with SOTF on that?

CPT: Sir there's areas in the MIRC chat that SOTF, where SOTF fires and the Battle CPT are going back and forth and there having an interaction via chat.

(b)(3), (b)(6) be clear though, you can't see that?

CPT: No sir, let me just give you a little situational awareness. The only way that we can see anything that the Predator is saying and not MIRC chat. That we can actually always have eyes on is (b)(1)1.4(a) (b)(1)1.4(a) At that time our f (b)(1)1.4(a) we didn't bring it. The reason why we didn't bring it is because we have Predator with 2 analysis that can look with color on a ten foot screen. What we have is (b)(1)1.4(a) which is basically a (b)(1)1.4(a) (b)(1)1.4(a), meaning it's (b)(1)1.4(a). It really is that distinctable, we utilize it in our trucks but to move tactically in a mounted manner with a white screen, we will be under poncho liner all the time. It's just not feasible to for that type of mission sometimes.

At 0530 (b)(1)1.4c reports to SOTF that it looks like this is going to be an Air TIC and stand by for further notes on this assessment. Again this is directly taken out of the MIRC chat.

(b)(3), (b)(6) who said that?

CPT: reports to (b)(1)1.4(a) "looks like this is going to turn into an Air TIC"

(b)(3), (b)(6) what does TIC mean to you?

CPT: TIC is a direct fire engagement with ground forces, we use Air Tic. A TIC is a heightened sense of awareness and doesn't always have to be an actual engagement, so that assets and resources can be routed to locations they need to be. In my time back in SF we use the word Air TIC basically as I define in layman's terms it means I'm not engaged by direct fire or indirect fire but I see a pending attack, I have an imminent threat and what I need to do is resource my location or make you aware now to push me air assets.

At 0542 reports both pick up and SUV's are crossing the river. (Pointing towards the map) This is actually the waadi were they referencing in this general vicinity. (CPT (b)(3), (b)(6) makes this point 5 on the map) I want to try to be as accurate as possible...they are crossing right here. Once they crossed the river...because they never crossed the waadi, not being up to this location. (Pointing to the map). They could be contributing to their referencing or they could also be the slide right here sir.

(b)(3), (b)(6) say

CPT: There was multiple chat between (b)(1)1.4(a) which is SOTF and (b)(1)1.4c and the MIRC chat talking about people getting out testing the waters, stuff like that sir. At 0546 (b)(1)1.4(a) reports PID, and they used the word PID of 2 to 3 vehicles with 45-55pks and 2 groups with possible weapons. This is still up north sir. (b)(1)1.4(a) is correlating with ground movement; you still have the commander calling for reinforcements defining tactical patience basically waiting for daytime to engage while other forces are moving.

At 0555 (b)(1)1.4c reports parked SUV has joined other pickups and are driving south. That parked SUV was over here (Pointing to map). It was portrayed to us that it was somewhere around these vicinities of this area. Basically they linked up they were 2 additional vehicles that were in the vicinity of (b)(1)1.4(a) (pointing to the map), but those never moved they were dismounting troops from it or dismounting elements from it moving South. At 0607 (b)(1)1.4c reports that insurgents state they have enough bodies to fight the Blue Forces they called us infidels but I will refer to us as BF and that we won't be able to leave the area. My interpretation of that is my assessment based on I've already began

to see an imminent threat is if their telling me that I can't leave that there's a reason to tell me...that means that I have elements right now in 3 cardinal directions. I know for a fact that I have a moving element to the north and I was also told that I had a dismounted elements moving south from the north. I know I had elements from the south to the north, south of the target area. I know I had elements moving here (pointing to the map). My assessment of that is they've begun to accomplish...they're already greatly not afraid of us. They made numerous statements about keeping us from taking their area and will lose support. (b)(1)1.4(a) calling for attack when forces are in the BAZZAR, they know we're in the BAZZAR but I believe that assessment is for the day time. They are waiting for the west reinforcement's tactical patients and definable CT NODEs that's what I'm seeing at this time. I'm seeing all of this and the picture is getting painted for me and it's being relayed up to (b)(1)1.4(a) that I'm seeing the beginnings of a possible engagement but also the beginnings of an envelopment of enemy forces onto my forces.

MG: At this time were there reports from (b)(1)1.4(a), what are you monitoring from (b)(1)1.4(a) and the predator?

CPT: I'm not monitoring anything (b)(1)1.4(a) didn't push me any information saying that (b)(1)1.4(a) was directly talking for them...excuse me... what I am monitoring is... normally in this kind of instance ...I would be receiving information and at the time I'm not receiving any information. What we want to do is we want to continue and paint the picture to our commander and let him know what we're seeing on the ground. I know ground truth because I'm on the ground, but I need to let him know what we're actually facing.

MG: You're painting this picture, so you're assuming there all receiving it at (b)(1)1.4(a)?

CPT: Basically because I'm sending it up...I assume that there receiving it.

MG: At what time does (b)(1)1.4(a) come back and acknowledge some of this stuff that's being painted, anywhere along the way?

CPT: Sir, as I sent all my SALT reports that morning of the 21st the only response that we did receive was information that was pushed back like...Roger...Copy.

MG: Alright

CPT: (Sighs) At 0616 (b)(1)1.4c reports MAM in a SUV and he's holding a weapon, it was passed that he was holding a weapon. At 0618 we're again...

(b)(3), (b)(6) member to stop whenever you determine in your mind that this is now a threat of force; let us know when that is and where that is.

CPT: (pointing to the map) there basically somewhere around this vicinity here, they've crossed the river and their getting ready to move to this prayer time that we were talking about. The prayer time is where I have the...I know I have PID of weapons, these are just references and I'm assessing ground truth based on movement, (b)(1)1.4(a) ; and historical information of this area. Right now I'm staying flexible trying to see what I got. I also have another element; I have elements on the target area to worry about. I also have 2 Support by Fires that I need to worry about... (Pointing to the map) This is where we conduct in-route wherever it was periodically we executed those non-lethal effects trying to figure out who is actually the light server the directional parachute players. Do I need to describe those again? At 0620 someone comes over the radio an unidentified individual traffic states "Move to my location" this again goes up in the SOFT report. My assessment of this is that now their beginning to bring forces together, now we have definable movement of people and their maneuvering. It's no longer suspected tactically...their moving tactically, their maneuvering.

(Space)

(b)(3), (b)(6) when you made that determination what was your assessment at that time?

CPT: We're going continue to monitor the situation and continue to let the (b)(1)1.4(a) know...

(b)(3), (b)(6) is this a target in your mind yet, a declared target, a threat?

CPT: Sir, I've made no determination at this time, I'm keeping all options open and maintaining flexibility.

(Sigh)

CPT: At 0627 we have people...at 0627 we have began to run. Okay so basically it's now daytime what we have here is them beginning to pray and this is where I reference the prayer time. It was passed to us

that they dismounted their vehicles, they had left and right security, they were in a linear shaped and they were praying at the river. About this time this is where I have sir PID of weapons. (b)(1)1.4c reports to (b)(1)1.4(a) we have PID weapons at the base of an individual's feet. Based on this assessment and knowing everything that I know I begin to declare an AIR TIC.

(b)(3), (b)(6) here was that at?

(b)(3), (b)(6) someone had said south of this river, I believe somewhere around there sir. Once I declared an AIR TIC (b)(1)1.4(a) is contacted. I declare my verbiage, my phraseology, based on an impending threat to my forces on the ground (b)(1)1.4(a) declared and AIR TIC. It is acknowledged through (b)(1)1.4(a) and at approximately 0631 somewhere around there sir we begin to see (b)(1)1.4c asks is anyone on stations MAMs began to run. Two (b)(1)1.4(a) show up unannounced we didn't know they were coming somewhere over our element. When I contacted (b)(1)1.4(a) and my FB at the time to coordinate with (b)(1)1.4(a) I wanted rotary aircraft, because that asset at that level they can PID any type of individual much better than some flying at 15k feet dropping a bomb. (b)(1)1.4(a) show up, we get the report that MAMs begin to run. I contact (b)(1)1.4(a) on air (b)(1)1.4(a) and I asked why do I have aircraft on my station. Because when I was coordinating with (b)(1)1.4(a) my directives were to keep aircraft south of FB vicinity of gridline (b)(1)1.4(a) they said they didn't know why those (b)(1)1.4(a) elements were over there, they didn't know where they came from. They moved them off station. This was immediately acknowledged if (b)(1)1.4(a) once they went off station.

MG: Who did you talk to from (b)(1)1.4(a)?

CPT: On the (b)(1)1.4(a) I believe it was the battle captain. Unfortunately, sometimes they will pick up and say (b)(1)1.4(a); they won't identify rank and name sir. I was very adamant about I have fast movers over my station, my desire is to have rotary wing aircraft, obviously for the reason I just stated. We spoke with them and (b)(1)1.4(a) never had COMS with the (b)(1)1.4(a). I remember specifically because I kept asking what we are doing. I need them to move south. They were more welcome to stay on station; I just didn't need them there at that time. I wanted them south of fire base.

MG: And why didn't you want them up there at that time?

CPT: Because sir, it was still in my assessment phase. They had already come up there, they had done their run. Everyone knew they were fast movers there. It was acknowledged by the (b)(1)1.4(a) by the (b)(1)1.4(a) saying, (b)(1)1.4(a) (b)(1)1.4a (b)(1)1.4a. At the same time I have individuals beginning to clear the objective area, because it is now day-time. They are very

effective, but as the GFC it was my direction that this is how I want to execute my target. When I say execute my target, I'm referencing objective securing.

(b)(3), (b)(6) When you declared TIC was there any coordination for a battle drill that resulted in (b)(1)1.4(a) communicating back down to you? Now it's been a TIC and they have completed a battle drill and the (b)(1)1.4(a) TOC.

CPT: Sir I can't speculate. I have no information on that.

(b)(3), (b)(6) Did you get a call, did someone confirm with you in accordance with the battle drill, from higher down to you, that they had completed the AirTIC battle drill?

CPT: I don't mean evasive, but can you define battle drill.

(b)(3), (b)(6) Did the TOC, anybody from the TOC call you or (b)(1)1.4(a) to your knowledge that said here is the situation update of the AirTIC they were doing there?

CPT: No sir.

(b)(3), (b)(6) At this time, did the (b)(1)1.4(a) come up?

CPT: No Sir, They had coordinated through (b)(1)1.4(a) after the fact, they went to their briefing and we had already declared an AirTIC soon as they called it an AirTIC they moved to their aircraft, spun them up and moved to (b)(1)1.4(a).

(b)(3), (b)(6) Is this correct or not, at this time you were in a close fight?

CPT: I believe I was, there were no bullets.

(b)(3), (b)(6) Got it. You were in a close fight when you were being maneuvered on.

CPT: Yes sir.

(b)(3), (b)(6) You were orchestrating the actions of the (b)(1)1.4(a) off station, (b)(1)1.4(a) When did it go off station?

CPT: Approximately (b)(1)1.4(a)...

(b)(3), (b)(6) Were you orchestrating the activities of the Predator?

CPT: Yes sir.

(b)(3), (b)(6) You were orchestrating the activities of the Predator Intel that was being provided down to (b)(1)1.4(a) then down to you?

CPT: Roger, yes Sir. The reports were available directly from (b)(1)1.4(c) to (b)(1)1.4(a) yes sir.

(b)(6), (b)(7)(C) Who was controlling the movement of (b)(1)1.4(a) in your targeted area?

CPT: Once they moved up to the vicinity up to (b)(1)1.4(a) coordinated with them and told them the desire to actually stay south of (b)(1)1.4(a) .

(b)(6), (b)(7)(C) Was (b)(1)1.4(a) in your mind, in essence working for you via COM direct?

CPT: Yes Sir.

(b)(6), (b)(7)(C) Was (b)(1)1.4(a) working for the ODB?

CPT: (b)(1)1.4(a) . That's collocated with me at (b)(1)1.4(a) .

(b)(6), (b)(7)(C) At this point you were orchestrating the ground close fight, the Predator movements, analyzing the Predator Intel feeds coming down, coordinating and employing the (b)(1)1.4(a) and moving ordering the fast movers south of the gridline; while you were conducting a closed fight. To your knowledge at any point in this process did (b)(1)1.4(a) reach out to provide an analysis to help paint the picture up until right now of what you were dealing with and what their assessment was via their battle drill?

CPT: Sir, at this time I had not received any guidance, Intel, or directives.

(b)(6), (b)(7)(C) Any point in this first process, did CJSOTF TOC reach out and touch you and try to provide you an assessment of what they were seeing because of these assets that are external to you that they could have contributed?

CPT: No sir. A caveat too, that is normally not our battle drill. CJSOTF does not normally push down to the ODAs.

(b)(6), (b)(7)(C) Would suspect as much too, but since the SOTF wasn't, the hope would be that the CJSOTF was.

CPT: At 0703 sir, my forces are now executing a SOF search.

(b)(6), (b)(7)(C) Did you switch to Zulu time on us; you got to stay local with us.

CPT: No sir, I am still local.

(b)(6), (b)(7)(C) 0307.

CPT: No 0703, sir (b)(1)1.4(c) reports convoy flanking to the west.

(b)(6), (b)(7)(C) Now where is that at?

CPT: They have now picked up; they are back in the pickups and SUVs moving somewhere in this vicinity. And he defines flanking and I will mark it like that. They begin to push west. This is after PID had been confirmed by (b)(1)1.4(c) as far as weapons sir. At this time we asked (b)(1)1.4(c) once they PID weapons, demographics of the convoy. (b)(1)1.4(c) confirmed no women no children. (b)(1)1.4(a) and then later

they will do them, and they also did it with (b)(1)1.4(a). Numerous times, during the entire activity, engagement and entire incident.

(b)(3), (b)(6) When did you become aware during this movement that there were possible women and children in this convoy?

CPT: Sir one time the vehicles was stopped there was a reference that there were adolescent. (b)(1)1.4(a) asked for clarification; toddlers or teenagers. It was reported to us it was MAM.

(b)(3), (b)(6) Please show about where that it is.

CPT: It is prior to the prayer; it's still on the north side of the river. But that wasn't reported to me, to (b)(1)1.4(a).

(b)(3), (b)(6) When did you become aware during this movement, that there may have been children and adolescents? Is that the location or vicinity?

CPT: Yes sir, when I asked for clarification, it was defined as MAMs not children. And we specifically used the "t" words; toddlers or children. Unfortunately the use of adolescents is a broad word. That's why we asked toddlers or teenagers. And it was clarified MAMs.

MG: I'd like to stop right there and take a 20 minute break. We've been going for about one hour and 20 minutes; let's break it up therefore about ten minutes. So we are at the point at declaration of teenagers.

[BREAK]

(b)(3), (b)(6) you'll remember CPT (b)(3), (b)(6) you talked about TMT. Teens or toddles as we were talking the demographics in terms of the convoy. I will read you something that we pulled from the Predator transcript. This is 0738 local. (b)(1)1.4(a) our CTAC at (b)(1)1.4(c) what's your count of males, females in the group. (b)(1)1.4(d) replies "our screeners are calling 21 MAMs no females and two possible children. (b)(1)1.4(a) asks, when we say children are we talking teenagers or toddlers. (b)(1)1.4(c) responds, looks to be to be adolescents, we're thinking early teens. Sensor officers then states screener agrees adolescents." Were you aware of that conversation?

CPT: Again, we went back and forth. My partner force, 15 YOA is fighters. The definitions of adolescents for American versus Afghans are completely different. Based on my environment being in (b)(1)1.4(a) ; I can't define Kabul and on here, they are completely different people. (b)(1)1.4(a) (b)(1)1.4(a) people and the people of (b)(1)1.4(a) are absolutely 100% different, they have a different mindset. When someone says adolescents, and we clarified with the teens, my fighters in the AO I work at, 12, 14. If they can carry a gun they will fight.

(b)(3), (b)(6) What did (b)(1)1.4(a) tell you in that discussion; can you remember what he characterized to you?

CPT: Sir he was standing right next to me, and is usually in close proximity. He came back and I heard him ask for a definition, and he said we have teens, we have adolescents. And he said define adolescents, and the assessment we got was that they were MAMs.

(b)(3), (b)(6) Just as we go through this, at any other time did (b)(1)1.4c or anyone external to you provided you of an assessment of anymore children, where it fits the flow, if it does.

CPT: Sir, CO (b)(3), (b)(6) can I ask you, can you reference that time again so I can make sure I am on the same timeline as you?

(b)(3), (b)(6) Absolutely, according to the PRED transcript that conversation initiated at 0738 went through about 0740 local.

[DC counseling]

CPT: Was it MIRC chat sir or something different?

(b)(3), (b)(6) This was actual transcript between (b)(1)1.4(a) and the Predator pilot on radio. I will tell you that, in there was some back and forth on the MIRC chat that I did not read on the internal discussion. But what I read what came back on the radio.

CPT: Sir it was around 0730, I don't know. Our MIRC chat, the screener and the pilot talking, it should be referenced in the MIRC chat.

(b)(3), (b)(6) I'm looking at, unless it was directly FM or line of sight communication.

CPT: I have no access to what you are reading sir.

(b)(3), (b)(6) Even if the timing is off you do remember that discussion?

CPT: Yes sir I do.

(b)(3), (b)(6) And you remember (b)(1)1.4(a) telling you what?

CPT: He said define adolescents, teenagers or toddlers.

(b)(3), (b)(6) This is about the same time the movement, go ahead walk him through.

(b)(3), (b)(6) How old is a MAM?

CPT: Sir, I have an opinion of 14 or 15 YOA.

(b)(3), (b)(6) For you it would be 14?

CPT: I can't make the determination what age is going to pick up a gun. I just know in my AO, if they have the intent, MAM, they could be 14, they can be 15, I can't speak of facts. If you are asking me to speculate, I'll speculate.

(b)(3), (b)(6) Have you ever seen a definition of MAM?

CPT: No sir, I have not.

(b)(3), (b)(6) That would say, you know, above a certain age the MAM, because we use that term a lot, I just want to know if it had ever been defined.

CPT: No sir.

(b)(3), (b)(6) Was there any reports that these adolescents that you remember possessed weapons.

CPT: There was no reference to that sir.

(b)(3), (b)(6) 0721, (b)(1)1.4c reports all vehicles stopped in the vicinity of, there is a grid, I have to look at the map. You know when you are referencing these notes every time, is this what you recollect this is just sequencing your timing, or is this now after the fact, going back and looking at the MIRC chat.

CPT: Sir this is looking at our MIRC chats, or notes, SALT reports that we sent up and SALT reports we kept. It's a combination of all of them sir.

(b)(3), (b)(6) Okay fair enough.

CPT: Just so you know sir, I'm referencing this, this is a combination of my notes, MIRC chat, and (b)(1)1.4(a) notes just actual events that happened on the ground.

(b)(3), (b)(6) What's important, is we are trying to make sure we understood what you understood at the time. That's what is going to be most helpful for a lot of things. A, setting the conditions of what you saw and assessed, what support or lack thereof you were getting to draw that conclusion as you developed this target set throughout, up until release of ordnates. So it's real important we understand what you understood when you were putting this together.

CPT: Well then, in reference since you put a question like that, and clear like that. At this time, I have not determined, but I believe the available assets and information I've been provided, that the compensation and demographics of that convoy is all MAMs with the intent of conducting a flanking operation onto my element.

(b)(3), (b)(6) And not to put words into your mouth, when you heard teens, you connected it to your experiences in this AO.

CPT: Yes Absolutely. At 0723, MAMs dismounted truck carrying weapon and MAM walking to the east carrying jug size object. Now they are basically moving west. I do want to clarify something, decision points. My decision points are tools that I use. Places I can assess, places that I can look at, something I know on the ground, hey where are they at. They are not trigger points. When we last met I used decision point, those were not decision points to engage, or where I was making a definite determination not what my actions would be. Those were just places that gave me situational

awareness; that I can assess the situation, imminent threat, what I am seeing on the ground as a ground troop.

(b)(3), (b)(6) Then we will start the movement here and make sure that we are clear. Because what you told us on the first time we met was that you determined that this was a threat force somewhere in here.

CPT: Yes sir.

(b)(3), (b)(6) And that you had made the decision that you were going to destroy this threat force. Do you want to clarify that?

CPT: In no time, this day, engagement, this incident, was I not flexible to allow the imminent threat, meaning the convoy determines a course of action, that which allow me to make a different course of action. But based on the time and threat we are on the ground right now, I see the convoy as an imminent threat. They have the demographics, composition, the correlation between the (b)(1)1.4(a) and they are moving in a tactical manner as a flanking element to basically close off the envelopment of my friendly forces on the ground.

(b)(3), (b)(6) Let me just drive a couple questions here. So you started seeing the convoy move west. Walk us through what these decision points were then, what you doing at them, and why those decision points.

CPT: Again sirs, not to be evasive or debate this, the decision points were assessments for me. Those were not determination points. I stayed completely flexible throughout this engagement.

(b)(3), (b)(6) Got it; just explain to me what those decision points were.

CPT: As the convoy was proceeding here, based on terrain I know that you cannot maneuver south from anywhere here sir. There are a million rocks up there; the terrain is east running wadis. There are off points where you can get on a wadi and you can move, but you cannot maneuver unless you are in the green zone along this area here. You cannot maneuver directly south from the north the vicinity of my friendly forces.

(b)(3), (b)(6) You draw a box on the map, where it starts where you cannot move south and where it ends.

[DC counseling]

CPT: Basically if you look at that wadi sir, that wadi is, you can't cross that wadi and I know by experience. Basically the travel of the convoy was here. I continued to assess the movement of the convoy, now I am executing my primary mission, the SOF search of the objective, sending up situational reports, movement. Based on what I know now, there are eyes on the convoy.

(b)(3), (b)(6) Just as we are clear. You are doing operations in and around the (b)(1)1.4(a). This convoy is moving east to west along this avenue of approach here. Who is developing this convoy as you are conducting this close in operation, which kind of covers a four by six kilometer area?

CPT: Right now I am conducting an assessment of the convoy, C2ing the execution of the objective area and I am battle tracking my two supports by fires movements to the north and south. I am C2ing the mission sir. At 0725 report (b)(1)1.4c, MAMs passing a rifle to another MAM. We believe this is where they stopped and at 0728 COL, already you said you referenced 0733. At 0728 based on my notes I report no females or children observed. Children observed, approximate 21 MAMs in view of (b)(1)1.4c 0800 reports vehicles repositioning and lowering PAX. This is out here sir. Unaware why they are repositioning PAX we just received the report. 0811 report (b)(1)1.4(a) that and indicated the preparing for possible attack, 4 to 5 establishing ambush. Now this report, pulled out of the MIRC, and was coming from (b)(1)1.4(a), we didn't receive it.

(b)(3), (b)(6) why did you share that with us, if you didn't have visibility?

CPT: Because it was right after digressing the MIRC chat. 0833 confirms PID and minimal equipment. Sometime around here sir, exact time is unknown we began getting reports, from the vicinity from the (b)(1)1.4(a) checkpoint through interpreters that women and children are moving east or west away from villages to the south, down here and we also witnessed women and children moving from the northeast moving away from their villages. This is a direct reflection of impending attack. They had moved. Checkpoint in the vicinity of (b)(1)1.4(a) begins to engage MAMs that they identified moving north with weapons. This is hindsight. We knew that had engaged, we knew they were using dishka, but situational awareness we weren't sure what they were engaging. Hindsight later, they were engaging MAMs that they had identified at the checkpoint.

(b)(3), (b)(6) what you were unaware of this though?

CPT: I knew they were firing, I just didn't know what they were firing at sir.

(b)(3), (b)(6) who was firing?

CPT: The ASG checkpoint.

(b)(3), (b)(6) where is the ASG checkpoint at?

CPT: Actually sir, Is not on this map, it is in the vicinity just south of (b)(1)1.4(a).

(b)(3), (b)(6) it's a kilometer south of (b)(1)1.4(a).

CPT: What I was told my interpreter (b)(6) which I believe you have already spoken to, the women and children were pushing but they saw movement of men and weapons moving north.

(b)(3), (b)(6) Did you believe that ASG checkpoint was in your ground scheme of maneuver and that your formation was under direct fire at that time?

CPT: At that time since I still had the TIC open, they weren't in my CONOP, but anything that owned space or terrain that I am responsible for I can always consider that they are.

(b)(3), (b)(6) That was not my question. What did you think it to be at that time?

CPT: An ASG checkpoint.

(b)(3), (b)(6) So there was an ASG checkpoint in contact, but your formations were still not in contact at that point.

CPT: That is right.

(b)(3), (b)(6) Well not with direct fire, but they were being maneuvered on.

CPT: Yes.

(b)(3), (b)(6) Could you here the firing?

CPT: Of course.

(b)(3), (b)(6) Did you report that up to (b)(1)1.4(a)? Did you report that up to (b)(1)1.4(a)? Did your (b)(1)1.4(a) 1 (b)(1)1.4(a) that there was contact to your south?

CPT: We reported gun fire to our south.

(b)(3), (b)(6) And that is in one of those SALT reports?

CPT: Unfortunately the SALT reports end at 0630.

DC: The records of the SALT reports end at 0630, the SALT reports continue, but they are the only records we were able to obtain, and this would be records that SOTF create when they receive it.

CPT: I am sure you are familiar with it, but for clarification for the panel, SALT reports come in on either (b)(1)1.4(a) and supposed to be put into text format immediately and then pushed down to the element so they can conduct their OP zones and their TIC zones. At this time we were still tracking this element here with (b)(1)1.4c We are still here conducting our operation. The bazaar has been swept and we are conducting the (b)(1)1.4c these SALT reports don't reflect what was actually identified, but we were conducting interviews with key individuals.

(b)(3), (b)(6) What is the time?

CPT: Somewhere after 0800. The bazaar has been cleared at this time. My (b)(1)1.4c teams were going through. We had specific places in the bazaar that we wanted to look at. One was a communications store that we wanted to look at and we had additional information about IEDs. They had cleared the whole bazaar but now they were doing (b)(1)1.4c We had already found some stuff and (b)(1)1.4c on the ground conducting interviews and taking biometrics.

(b)(3), (b)(6) The reason I ask the timeline and your decision points and your assessment points. As you are doing a series of battlefield activities in a close fight on your objective cop. You have identified three

locations where you are going to do assessments. Did you communicate those grids to anyone that had eyes on the convoy that would enable you to make an assessment?

CPT: No.

(b)(3), (b)(6) how do you know when the convoy reaches those assessment points, so that you can do the assessments?

CPT: (b)(1)1.4(a) was given specific information because I was conducting my C2 on the objective that he was to battle track this convoy through (b)(1)1.4c, to get direct feed, and to get updates. This was (b)(1)1.4(a) (b)(1)1.4(a)

(b)(3), (b)(6) (b)(1)1.4(a) is doing this on your behalf?

CPT: He is getting the information and passing it to me so that I can make the decisions and assessments.

(b)(3), (b)(6) were you aware when the convoy reached each of the first two decision points?

CPT: I was aware when they reached those areas yes.

(b)(3), (b)(6) what were you assessing at that point?

CPT: It was a continuing assessment on what I was seeing on the ground as far as the maneuver, the engagement with ASG, the women and children now moving off of the objective areas. At this time I am also repositioning forces off of the objective area as I previously stated to reinforce my support by fire. (b)(1)1.4(a) is now telling me that they are in the vicinity or (b)(1)1.4(a), which is right here (pointing to map). From here to there, there is a road, but the fastest approach to my area is this area here and in the vicinity of (b)(1)1.4(a)

(b)(3), (b)(6) it is the second decision point that comes back in or the third decision point that comes back is that correct?

CPT: Roger those are areas of assessment.

(b)(3), (b)(6) what was decision point one for?

CPT: Which one?

(b)(3), (b)(6) what you showed us earlier three decision points what is that one?

CPT: As you can see the road here.

(b)(3), (b)(6) what were you looking for?

CPT: Tracking the movement.

(b)(3), (b)(6) assessment point two what were you looking for?

CPT: Tracking their movements, to see if they take this approach or not.

(b)(3), (b)(6) what did they do?

CPT: They continued this way toward (b)(1)1.4(a) just south of (b)(1)1.4(a)

(b)(3), (b)(6) assessment point one helped you confirm their location relative to where you were at. Assessment point two was your first confirm or deny their direction of movement as it pertains to your location?

CPT: It would be a safe assessment to say that it was allowing me to battle track where they were going.

(b)(3), (b)(6) you had seen them move east toward you back towards the southeast what was going to go through your mind at that point?

CPT: I would continue to assess. I cannot answer to a hypothetical.

(b)(3), (b)(6) you answered this the last time and we need to straighten up some seams. You said last time if they would have turned at any of the three decision points that you would have then determined hostile intent and taken it out. Now you are telling me that you would have continued to develop the situation. I need you to reconcile that.

CPT: Looking at the map, and everything that was happening on the ground. There was correlation between the convoy movement and the (b)(1)1.4(a). There was correlation between the (b)(1)1.4(a) and the ground movement. (b)(1)1.4(c) was passing the reports that we were getting through (b)(1)1.4(a) Historical knowledge of the ground and knowing the terrain probably just as good if not better than anyone that was on the ground. Those areas allow freedom to maneuver and it allows speed to my objective area. The one to the south is a good ground route but it is not the most direct route. I continued to assess but never did I make the decision that I was going to engage them, but I did continue to assess them because they were an imminent threat to my forces.

(b)(3), (b)(6) need you to reconcile, you said in the first interview that if they would have turned at any of these decision points that you were going to pop it. Now you are telling us that you were going to assess.

CPT: I misspoke and I think I was defining them as trigger points before and I believe that was the wrong doctrinal term, well actually it isn't even a doctrinal term.

(b)(3), (b)(6) pick it up from that second assessment point and as you are going west go ahead and concurrently explain the activities you were working on the objective site.

CPT: (b)(1)1.4(a) is calling for reinforcements. (b)(1)1.4(a) has gone quiet. My assessment he went quiet was that he was being detained on the objective area, and probably in one of the interview piles that we